IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.
WRIT PETITION No.4264 OF 2004.

Sudhakar Narayan Guhararkar. ..Petitioner.

Vs.

The Managing Director,
The Maharashtra State
Farming Corporation Ltd.Pune. ..Respondent.

With

WRIT PETITION No. 4293 of 2004.

Yashwant Krishnaji Sawant. ..Petitioner.

Vs.

The Managing Director,
The Maharashtra State,
Farming Corporation Ltd.Pune. ..Respondent.

Shri. Nitin Deshpande, Advocate for the Petitioners.

Mr. V. P. Sawant, Advocate for the Respondent.

CORAM: R.C. CHAVAN, J.
DATED: 12th January, 2007.

P.C.:-

1. By these petitions, the petitioners-employees of State Farming Corporation,Pune challenge rejection of their applications by the District Court, Pune.

2. The applicants-petitioners had been in possession of premises belonging to their employer, Maharashtra State Farming Corportion as the employees of the Corportion. The Corportion had floated a scheme of voluntary

retirement and eventually the petitioners were retired under the V.R.S.scheme. The respondent-Corpration sought the eviction of the petitioners under the provisions of Government Premises (Eviction) Act, 1955. The competent Authority passed orders of eviction of the petitioners. These orders were passed on 18th October, 1997. The petitioners had not preferred appeals before the District Court within the prescribed period. On 24th December, 2003 the petitioners filed appeals alongwith applications for condonation of delay which applications were rejected by the learned District Judge by his impugned order dated 1st April, 2004. Aggrieved thereby, the petitioners are before this Court.

3. According to the petitioners, the delay in preferring appeal was on account of pendency of proceedings arising out of the Voluntary Retirement Scheme floated by the Respondent-corporation and other allied proceedings before the various courts. On 15.12.2003 writ petitions filed by the petitioners were disposed of and it was directed that it would be open for the present petitioners to move application before the

Appellate Authority for condonation of delay. Thereafter, the applications were filed on 24th December, 2003. The learned District Judge has quoted from para 6 of the orders passed in the writ petition wherein this Court had directed that in order to enable the respondents to espouse their remedies in appeal against the order of the competent authority dated 18th October, 1997, the respondent shall not take steps to implement the order of eviction which has been passed by the competent authority, for a period of eight weeks from the date of order. Thus, sufficient time was given to the present petitioners to approach the District Court. Since the petitioners did not file appeals within the period of eight weeks, the learned District Judge refused to condone delay and entertain the appeals.

4. The petitioners have been occupying the premises from 18th October, 1997 when the order of their eviction was passed. Thus, they had sufficient time to vacate the premises. Since undisputedly, they have ceased to be the employees of the respondent-corporation. They have also not

shown as to what prevented them from approaching District Court within the period of eight weeks which was granted by this Court.

5. It is the petitioners' contention that the since appeal filed against the order dated 14-10-03 was disposed of on 15.12.2003, the period for filing the appeal before the District Court was extended by another three weeks as mentioned in the order this Court in L.P.A.No.170 of 2003. It cannot be said that period has been extended by further period of three weeks, because the respondent was merely directed not to initiate steps for eviction for three weeks. The petitioners had sufficient indulgence and have enjoyed possession of the premises for almost ten years now after they ceased to be employees. Therefore, it is time to vacate the premises.

6. In view of this, the petitions do not disclose any cause for interference in exercise of writ jurisdiction under Article

227 of the Constitution of India. The petitions are consequently dismissed.

[R.C. CHAVAN, J]